

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

RONALD R. SANTOS,

Plaintiff

V.

KENNETH ANNICKOS, et al.,

Defendants

Case No.: 3:23-cv-00281-MMD-CSD

Order

Re: ECF No. 92

Before the court is Plaintiff's fourth motion for the appointment of counsel. (ECF No. 113)

11 Plaintiff states that he suffers from back pain and was reviewing medical records that had
12 been filed under seal by Defendants when he came across reports of MRIs of his spine from
13 2018, of which he had not been previously apprised. He argues this will necessitate the need to
14 depose multiple defendants to determine if there was a cover-up. Plaintiff represents that he
15 spoke with his former lawyer from his habeas action, Lori Teicher, of the Federal Public
16 Defender's Office, who told him to file a motion for appointment of counsel and have his cases
17 referred to the pro bono panel so that the Federal Public Defender can represent him in this
18 action.

19 “[A] person [generally] has no right to counsel in civil actions.” *Palmer v. Valdez*, 560
20 F.3d 965, 970 (9th Cir. 2009) (citing *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981)).
21 28 U.S.C. § 1915(e)(1), however, does allow the court to “request an attorney to represent any
22 person unable to afford counsel.” That being said, the appointment of counsel in a civil case is
23 within the court’s discretion and is only allowed in “exceptional cases.” See *Palmer*, 560 F.3d at

1 970 (citations omitted); *see also Harrington v. Scribner*, 785 F.3d 1299, 1309 (9th Cir. 2015). In
2 “determining whether ‘exceptional circumstances’ exist, a court must consider ‘the likelihood of
3 success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light
4 of the complexity of the legal issues involved.’” *Palmer*, 560 F.3d at 970 (quoting *Weygandt v.*
5 *Look*, 718 F.2d 952, 954 (9th Cir. 1983)); *see also Cano v. Taylor*, 739 F.3d 1213, 1218 (9th Cir.
6 2015). “Neither of these considerations is dispositive and instead must be viewed together.” *Id.*
7 (citing *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986)); *see also Terrell v. Brewer*,
8 935 F.3d 1015, 1017 (9th Cir. 1991) (citation omitted).

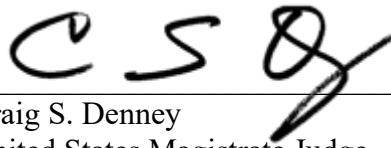
9 Plaintiff has not demonstrated a likelihood of success on the merits of his claims in this
10 action. Nor are his claims unduly complex. Plaintiff asserts that he needs to depose Defendants
11 to determine if there has been a cover-up, but he does not explain why written discovery would
12 not be sufficient to determine this information. In sum, Plaintiff has not established that
13 exceptional circumstances exist to justify the appointment of pro bono counsel in this case.

14 CONCLUSION

15 Plaintiff’s fourth motion for the appointment of counsel (ECF No. 92) is **DENIED**.

16
17 **IT IS SO ORDERED.**

18 Dated: August 30, 2024

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20 
Craig S. Denney
United States Magistrate Judge